BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

M.C.C. NO. 347 /2006 Single Bench

PETITIONER
NON-APPLICANT

Smt. Varsha Rani Nag, wife of Shri Herald Vinay Nadan, aged about 31 years, presently posted as Woman and Child Development, Project Officer, Head Quarter at Raipur, District Raipur (Chhattisgarh)

P.R. No. 1991/06
Presented by Shri R.K. Tamrakar
dated 29/12/06

VERSUS

RESPONDENT
APPLICANT

Herald Vinay Nadan, aged about 31 years, son of Late D.N. Nadan, resident of Shanti Nagar Ward, Jagdalpur, Distt. Bastar (Chhattisgarh)

PETITION UNDER SECTION 24 OF THE CIVIL PROCEDURE CODE, 1908 FOR TRANSFER OF CASE NO. 71-A/2006 (HERALD VINAY NADAN V/S. SMT. VARSHA RANI NAG) OF JUDICIAL SEPARATION, FILED UNDER SECTION 22 OF THE DIVORCE ACT, 1869 BY THE RESPONDENT / APPLICANT

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

A.F.R.
17.11.06

M.C.C. 347
मामला क्रमांक ..... **सन् 2006**

36

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

17.11.2006

Shri H.S.Patel, learned counsel for the applicant.

Shri Subhash Yadav, learned counsel for the respondent.

Learned counsel for the applicant does not press on M.C.P.No.1079 of 2006 for stay, which is dismissed as not pressed.

At the request of parties, this M.C.C. is being disposed of finally at the stage of admission.

Heard.

The applicant-wife has filed this application under Section 24 of the Code of Civil Procedure for transfer of case No. 71-A of 2006 filed by the respondent-husband under Section 22 of the Divorce Act, 1869 for judicial separation before the 1st Additional District Judge, Jagdalpur, to the Court of District Judge, Raipur on following grounds:

A) The petitioner is serving as Project Officer in Woman and Child Development Project, Abhanpur, District Raipur and it is extremely inconvenient for her to attend each and every hearing at Jagdalpur.

B) That father of the petitioner being aged 66 years is an old person and suffering from heart ailment and it is not possible for him to accompany the petitioner to Jagdalpur on each and every hearing.

XI-HC-78

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M.C.C. 347 सन् 2006

मामला क्रमांक ..... सन् 2006

37

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

C) A report was lodged by the petitioner at P.S. Jagdalpur regarding threats and ill-behaviour by the respondent-husband wherein she has prayed for security at the time of attending Court at Jagdalpur.

Learned counsel for the applicant placed reliance on *Sumita Singh v. Kumar Sanjay and another* **AIR 2002 SC 396.** Considering the convenience of the wife, which is of paramount importance in such matters, I am of the considered opinion, in the facts and circumstances of the case indicated above, that it is expedient in the ends of justice that Case No. 71-A of 2006 (Herald Vinay Nadan v. Smt. Varsha Rani Nag) before the Court of 1st Additional District Judge, Bastar at Jagdalpur be transferred to the Court of District Judge, Raipur. Ordered accordingly.

M.C.C. No. 347 of 2006 is allowed.

Certified copy as per rules.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya

23-11-06 30/12/06

P.T.O.